



ERIE COUNTY DISTRICT ATTORNEY'S OFFICE

FRANK A. SEDITA, III, DISTRICT ATTORNEY

Grand Jury indicts Kane on assault charges

August 19, 2009

Erie County District Attorney Frank A. Sedita, III announces the following.

Last week, an Erie County Grand Jury heard testimony from all known witnesses, including a witness suggested by defense counsel, having direct knowledge about an August 9, 2009 incident involving a taxi cab driver. This incident resulted in the arrest of 20 year old Patrick T. Kane and 21 year old James M. Kane for 2nd degree robbery and other charges. This morning, the Grand Jury officially reported its findings. After careful consideration all of the credible evidence and the potential criminal offenses, the Grand Jury dismissed the 2nd degree robbery charges (felony offenses), but indicted both defendants for Assault in the 3rd degree, Theft of Services (both misdemeanor offenses) and Harassment (a violation level offense).

The Criminal Procedure Law and Code of Professional Responsibility prohibit comment upon the specifics of the Grand Jury proof as well as the guilt or innocence of the accused. All criminal defendants are presumed innocent under the law and are entitled to an opportunity to evaluate the nature of the charges against them.

The defendants will be arraigned at 2:00 PM tomorrow before Chief Buffalo City Court Judge Thomas Amodeo. As is the practice in all criminal cases, the assigned prosecutor and defense counsel will discuss a possible resolution of the case short of trial. Although the Code of Professional Responsibility also prohibits comment upon plea negotiations, the factors upon which any pre-trial resolution are based include but are not limited to: (1) the wishes of the victim; (2) the seriousness and/or permanency of injuries sustained by the victim; (3) the strength of the admissible proof; and, (4) the defendants' criminal record or lack thereof. A defendant's status as a celebrity and/or professional athlete is not such a consideration. Specifically, Patrick Kane will not be prosecuted more leniently or more harshly because he is employed as a hockey player.

The Office of the District Attorney wishes to recognize the professionalism of the Buffalo Police Officers who initially investigated this matter.